

REMARKS

Claims 1-46 were rejected. Claims 1, 33-37, 39, and 42 are amended herein to more particularly point out and distinctly claim which applicants regard as the invention. No claims are cancelled or newly added. No new matter is introduced. It is respectfully submitted that claims 1-46 as amended overcome rejections under 35 U.S.C. §§ 102(e) and 103(a) stated in the Office action and place the present application in a condition for allowance. By this amendment, claims 1-46 are pending.

Regarding 35 U.S.C. § 102(e) rejections:

Claims 1-9, 11, 18, 22-26, 29, 32-41, 43, and 46 were rejected under 35 U.S.C. § 102(e) as being anticipated by Verba et al. (U.S. Pat. No. 6,236,977, hereinafter “Verba”). The rejections are respectfully traversed and reconsideration is earnestly requested. The traversal is collectively discussed herein with respect to independent claims 1, 23, and 33.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

It is respectfully submitted that **Verba does not anticipate each and every element** as set forth in claims 1-9, 11, 18, 22-26, 29, 32-41, 43, and 46, particularly in independent claims 1, 23, and 33. Verba is distinguished from the claimed invention at least because Verba does not teach or suggest, *inter alia*, automatically generating intender leads as taught and claimed in the present invention.

Specifically, Verba teaches an electronic commerce marketing system that automates and optimizes the *behavior* of inbound and outbound marketing campaigns on behalf of each of several different parties seeking to exchange valuable resources [col. 1, lines 7-11]. In Verba, an aggregated set of contacts from all the inbound campaigns are created [col. 9, lines 35-38]. Each of these contacts is scored for a home buying or selling

readiness state derived based on historical data [col. 7, lines 51-58; col. 9, lines 38-42].

An exchange process receives and analyzes these scored contacts to determine which contacts would be best handled by what means, i.e., call or mail [col. 9, lines 44-47].

Contacts to be called (call candidates) are forwarded to customer service representatives

5 [col. 10, lines 7-9]. It is important to note that, in Verba, it is the customer service representatives who contact (call) the call candidates (leads) to ascertain which ones are ready to buy or sell a property [col. 10, lines 10-12]. In other words, in Verba, the

intender leads, i.e., qualified prospects that are ready to purchase in the near future, are generated via live phone calls from human customer service representatives and thus

10 require human interventions. What is more, Verba's prediction engine must operate upon stored data and rely on a feedback loop to predict which leads actually are likely to become referrals and to predict which referrals are most likely to be customers [col. 10, lines 19-48].

Contrastingly, the present invention automatically generates intender leads from the set of prospects obtained from the purchase indicators without human intervention

15 [Spec. page 10, lines 14-17]. Direct marketing contact can then be initiated *after* the intender leads are generated [Fig. 2]. Since there is no need to call qualified prospects to ascertain which ones are ready to buy or sell, the present invention has an unexpected advantage over Verba of not having to disturb qualified prospects who are not intenders,

20 in addition to saving man power and expenses related to having customer service representatives calling all of the qualified prospects. This results a much more efficient, productive, and cost effective direct marketing methodology.

Verba is additionally distinguished because of the following:

1) *Verba lacks teachings on data mining.*

25 The most important and fundamental difference between Verba and the claimed invention is that, in the present invention, the intender leads are generated with automated data mining. That is, the present invention teaches how to identify, extract, normalize, and enhance leads. For example, the present invention teaches how to access thousands of individual newspaper classified sections available on the Internet and how to

30 automatically identify, extract, and compile certain data to generate intender leads. Verba does not. In Verba, the data (contact information) are collected from inbound campaigns

received via hotline, open house, seminar, direct mail, and Internet, etc. [col. 9, lines 29-34]. In other words, Verba assumes that all information on buyers are either supplied by the buyers themselves or already populated in the system. Verba's generic campaign management system does not surf the net to *find* and extract data. Verba does not teach
5 automatically identify and access data over the Internet so to extract, normalize, and process the data to generate intender leads.

Verba does not teach data mining because Verba does not need data mining. Verba's application is built for the real estate industry. Realtors make use of a multiple listing service (MLS) that includes details about most of the properties for sale (and the
10 identity of the sellers in their area. So the data is already digitized in a form that can be used by Verba (assuming the MLSs would allow their data to be used in this way). By contrast, the present method and system can be applied in a variety of applications including ones that require data mining. For example, a car sales application would require data mining, since there is no comparable professional organization that compiles data
15 extracted from ads on cars for sale and represents them exclusively to the marketplace.

An additional unobvious advantage of the present invention over Verba is that the automated lead compilation makes the inventive system highly scalable and practical to operate.

20 *2) Verba does not teach Purchase Indicators.*

The present invention uses non-traditional means of identifying intenders in an automated way. In the car sales example, we identify those who are selling cars as the intenders; whereas, in Verba, it seems that someone is either a buyer or a seller, but not both. In addition, there is no teaching in Verba that a seller is actually an intender buyer
25 for another product. Contrastingly, the present invention teaches many exemplary purchase indicators including wedding announcements, birth announcements, and so on. We observe that life events often trigger significant purchase activities. The big question is how to identify and utilize such information to generate intender leads in large volume, cost effectively. The brute force approach of contacting everyone to ask them, such is
30 what Verba does, or even building a predictive model to identify those more likely to buy don't really solve the problem. The present invention addresses these problems.

3) *Verba does not teach front-end Predictive Modeling.*

Constructing a predictive model requires sampling data to build and validate the model. Usually, this data comes from the results of a campaign. For example, we contact
5 1 million people of which 10,000 would buy. Then, we identify independent variables that drive the responses, after the fact, for use in future campaigns. This is what Verba teaches, and is the common technique used in building logistic regression models during the last 30 years.

Contrastingly, the auto intender data taught and claimed in the present invention is
10 that we already know that someone bought the vehicle they're disposing of, for example, and that can be used in the model. Since there is no need to wait until after a campaign to build a predictive model, the intender leads generated this way are "hot". We can assess someone's propensity to buy certain class of vehicles by knowing their current vehicle ownership and certain demographic attributes (e.g., age, income, etc.).

15 In sum, the novelty of the present invention is two-fold: identifying and extracting prospects, via, e.g., an automated spider, from a variety of words and formats included in each particular domain of interest accessible on the Internet; and automatically generating intender leads from the prospects via a predictive model. As noted above, although
20 predictive modeling is a technique known in the art that is used to better assess a prospect's likelihood of making a purchase, as illustrated by Verba, predictive modeling techniques are commonly used in downstream optimization of direct marketing campaigns, and not used in the front-end, i.e., getting the hot intender leads. That is, conventional predictive models rely on stored historical data and feedback loop to
25 improve prediction beyond what user-supplied rules alone can achieve and are not capable of generating intender leads. This explains why Verba must rely on human customer service representatives to generate intender leads from qualified contacts.

Independent claims 1 and 33 are amended herein to further distinguishing the
30 present invention from Verba and to particularly pointing out and claiming the subject matter which applicants regard as the invention. For at least the foregoing reasons,

Applicants respectfully submit that the claimed invention is patentably distinct from and not anticipated by Verba. In particular, applicants respectfully submit that, by this Amendment, independent claims 1, 23, and 33 recite subject matter not reached by the applicable prior art under 35 USC § 102(e). As such, it is submitted that independent claims 1, 23, and 33 are patentable and therefore should be allowed.

Reliance is placed on *In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) and *Ex parte Kochan*, 131 USPQ 204 (Bd. App. 1960) for allowance of the dependent claims 2-22, 24-32, and 33-46, since they differ in scopes from their respective parent independent claims 1, 23, and 33 which are submitted as patentable.

Regarding 35 U.S.C. § 103(a) rejections:

Dependent claims 10, 27, 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Verba in view of Cannon (U.S. Pat. No. 6,286,005). Dependent claims 12-14, 30, 31, 44, and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Verba. Dependent claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Verba in view of Lazarus et al. (U.S. Pat. No. 6,236,977). The rejections are respectfully traversed and reconsideration is earnestly requested. For similar reasons discussed herein with respect to Verba, it is respectfully submitted that Verba, Verba and Cannon, and Verba and Lazarus, individually and in combination, do not teach or suggest the invention as set forth in the claims. It is further respectfully submitted, for at least the reasons discussed herein, that independent claims 1, 23, and 33 also recite subject matter not reached by the applicable prior art under 35 USC § 103(a). Since these dependent claims differ in scopes from their respective parent independent claims which are submitted as patentable, it is respectfully submitted that these dependent claims are also patentable and therefore should be allowed.

This Reply is submitted as proper and complete in that it places the application in condition for allowance. Particularly, the present Reply is submitted as not adding new matters and not requiring further searches. Since the examiner has done a thorough search in the first action in light of the disclosure and claims, no new search would be necessary. Accordingly, Applicants respectfully submit that, by the amendments presented herein, the present application is in a condition for allowance.

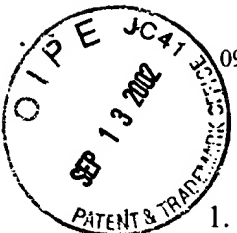
Since all of the claims pending in the present application are now clearly allowable, favorable consideration and a Notice of Allowance of all the claims are earnestly solicited. The examiner is invited to telephone the undersigned at (408) 260-7300 extension 23 for discussing an Examiner's Amendment or other suggested actions for accelerating prosecution and moving the present application to allowance.

Respectfully submitted,



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SFT-101/Amt A



MARKED UP VERSION OF THE AMENDED CLAIMS:

1. (Amended) In a distributed computer system, a method of automatically generating an
intender lead, said method comprising the steps of:

- [a]] determining at least one source available to be accessed and searched in said distributed computer system;
searching and accessing said source to identify[ing] purchase indicators representing potential future purchases by prospects, said purchase indicators being contained within files in said [distributed computer system] source; and
[b]] extracting prospect identifiers from said purchase indicators, wherein said prospect identifiers identify said prospects[.]; and
[said prospects comprise]generating said intender lead from said prospects without human intervention.

33. (Amended) A program storage device accessible by a server machine in a distributed computer system, tangibly embodying a program of instructions executable by said server machine to perform method steps for automatically generating an intender lead, said [method steps] program of instructions comprising:

- [a]] program code means for searching and accessing at least one source in said distributed computer system;
program code means for identifying purchase indicators representing potential future purchases by prospects, said purchase indicators being contained within files in said [distributed computer system] source; and
[b]] program code means for extracting prospect identifiers from said purchase indicators, wherein said prospect identifiers identify said prospects[.]; and
[said prospects comprise] program code means for generating said intender lead from said prospects.

34. (Amended) The program storage device of claim 33, [wherein said method steps] further [comprise] comprising:

program code means for applying a predictive model to said prospects to select said intender lead.

1 35. (Amended) The program storage device of claim 33 [wherein said method
2 steps], further [comprise] comprising:
3 program code means for transferring said intender lead to an interested party.

1 36. (Amended) The program storage device of claim 35 wherein said transferring
2 [step] occurs before said potential future purchases.

1 37. (Amended) The program storage device of claim 33 [wherein said method
2 steps], further [comprise] comprising:
3 program code means for initiating a direct marketing contact with an
4 intender represented by said intender lead.

1 39. (Amended) The program storage device of claim 33 [wherein said method
2 steps], further [comprise] comprising:
3 program code means for obtaining additional information associated
4 with said prospects from a profile database, wherein said additional
5 information is associated with said prospect identifiers in said profile database.

1 42. (Amended) The program storage device of claim 33 [wherein said method
2 steps], further [comprise] comprising:
3 program code means for extracting auxiliary data from said purchase
4 indicators, wherein said auxiliary data is independent of said prospects.